

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

General Information	
<i>Type of Report:</i>	Consolidated Monitoring Visit – Individuals with Disabilities Education Act (Part B)
<i>Focus Areas Reviewed:</i>	<ul style="list-style-type: none">• Evaluation / Eligibility• Least Restrictive Environment
<i>Data Sources:</i>	<ul style="list-style-type: none">• Review of Student Due Process Files
<i>DLS Review Team Members</i>	<ul style="list-style-type: none">• Susan Farra, IDEA Team Leader• Gwen Buffington, Consultant

Onsite Visit Methodology

The Kentucky Department of Education (KDE), Division of Learning Services (DLS) has recently conducted a focused monitoring visit in your district. The focus areas for this review include priorities established by the Kentucky Department of Education. For this monitoring cycle, DLS established the following monitoring priorities:

- Eligibility for students identified for special education and related services
- Least restrictive environment (LRE) documentation.

Your district is one of 14 districts that received an onsite visit during the 2011-12 school year through the KDE Consolidated Monitoring Process.

The IDEA portion of the review was conducted by a team assembled by DLS as specified in the General Information section of this report. In order to complete the compliance review, the team reviewed individual student records.

Districts were directed to make available the pertinent student records randomly selected by the DLS team leader in order to determine the district's compliance status related to the focus areas stated above.

This report contains a section for each priority area reviewed for your district. It also contains "coded" student-specific noncompliance that must be corrected by the district. Individual student names are not provided in the report, due to confidentiality concerns. A separate list with codes and student names will be made available to the Director of Special Education after the issue of this report.

Even though eligibility and LRE are the focus of this report, the team may have noted other concerns when reviewing the student files. KDE is required under its general supervision responsibility to cite districts for IDEA noncompliance that it discovers during the course of monitoring.

Eligibility and Least Restrictive Environment

Records for eligibility were reviewed based upon the requirements outlined in 707 KAR 1:300 (Child find, evaluation and reevaluation), 707 KAR 1:310 (Determination of eligibility) and 707 KAR 1:350, Section1 (Placement decisions).

The following information outlines specific areas the review team investigated in order to determine compliance with eligibility and LRE requirements.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Referral and Classroom Interventions

The review team assessed the district's compliance with 707 KAR 1:300 Section 3 as it pertains to ensuring that each child has been provided appropriate instruction and intervention services prior, or as a part of the referral process. The instruction and intervention services must include:

- Relevant research-based instruction and intervention services in regular education settings, with the instruction provided by qualified personnel;
- Data-based documentation of repeated assessments of achievement or measures of behavior which are collected and evaluated at reasonable intervals, reflecting systematic assessment of student progress during instruction; and
- Results having been provided to the child's parents.

Adverse Effect

For all disability categories, the Kentucky IDEA regulations require the ARC to document discussion of the adverse effect of the disability on the child's educational performance. Adverse effect means that the progress of the child is impeded by the disability to the extent that the child's educational performance is significantly and consistently below the level of similar aged peers. 707 KAR 1:002, Section 1(2).

Autism

Autism as defined by 707 KAR 1:002, means a developmental disability significantly affecting and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has an emotional-behavior disability.

Developmental Delay (DD)

Developmental Delay as defined by 707 KAR 1:002, means that a child within the ages of three and eight has not acquired skills, or achieved commensurate with recognized performance expectations for his age in one or more of the following developmental areas: cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Developmental Delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance. The discrepancy shall be documented by:

- Scores of two standard deviations or more below the mean in one of the areas listed above as obtained using norm-referenced instruments and procedures;
- Scores of one and one-half standard deviations below the mean in two or more of the areas listed above using norm-referenced instruments and procedures; or
- The professional judgment of the ARC that there is a significant atypical or pattern of development. Professional judgment shall only be used where normal scores are inconclusive and the ARC documents in a written report the reasons for concluding that a child has a developmental delay.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Emotional – Behavioral Disability (EBD)

Emotional – behavior disability as defined by 707 KAR 1:002, means that a child, when provided with interventions to meet instructional and social-emotional needs, continues to exhibit one (1) or more of the following, when compared to the child's peer and cultural reference groups, across settings, over a long period of time and to a marked degree:

- Severe deficits in social competence or appropriate behavior which cause an inability to build or maintain satisfactory interpersonal relationships with adults or peers;
- Severe deficits in academic performance which are not commensurate with the student's ability level and are not solely a result of intellectual, sensory, or other health factors but are related to the child's social-emotional problem;
- A general pervasive mood of unhappiness or depression; or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

This term does not apply to children who display isolated (not necessarily one (1)) inappropriate behaviors that are the result of willful, intentional, or wanton actions unless it is determined through the evaluations process that the child does have an emotional-behavioral disability.

Functional Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the functional mental disability (FMD) category the following criteria must exist:

- Cognitive functioning is at least three (3) or more standard deviations below the mean;
- Adaptive behavior deficit is at least three (3) or more standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period

Mild Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the mild mental disability (MMD) category the following criteria must exist:

- Cognitive functioning is at least two (2) but no more than three (3) standard deviations below the mean;
- Adaptive behavior deficit is at least two (2) standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Multiple Disabilities

According to 707 KAR 1:002, Section 1 (39), multiple disabilities (MD) means “concomitant impairments that have an adverse effect on the child’s educational performance, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one (1) of the impairments. Examples of MD include mental disability-blindness, and mental disability-orthopedic impairment. Multiple Disabilities does not mean deaf-blindness nor does it mean a speech or language impairment in combination with another category of disability.”

Based upon the requirement that the impairments must cause “severe educational needs” that cannot be accommodated in special education programs solely for one of the impairments, the DLS team must verify the student met eligibility requirements for all disability areas constituting the multiple disability. DLS must also look for verification that the student’s educational needs could not be met solely in a special education program for one of the impairments.

Examples of disability combinations that triggered increased scrutiny include OHI (ADHD)/EBD, OHI/MMD and OHI/SLD. In addition, some disability categories contain exclusionary factors which would ordinarily preclude some disability combinations. This includes combinations such as MMD/FMD, MMD/SLD and EBD/SLD.

Each file was considered by the review team on a case by case basis considering all data available to the team.

Other Health Impairment

Other Health Impairment (OHI), as defined by 707 KAR 1:002, Section 1 (42) means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- Is due to a chronic or acute health problem and
- Adversely effects a child’s educational performance

The review team paid particular attention to ARC discussions of how the identified health impairment affects the child’s educational performance. In cases where this is not documented by the ARC as required by the regulations, the DLS Review Team found the district to be out of compliance with IDEA.

Specific Learning Disability

Specific Learning Disability (SLD) is defined by 707 KAR 1:002 Section 1 (59) as a disorder that adversely effects the ability to acquire, comprehend, or apply reading, mathematical, writing, reasoning, listening, or speaking skills to the extent that specially designed instruction is required to benefit from education. The term does not include deficits that are the result of other primary determinant or disabling factors such as:

- Vision;
- Hearing;
- Motor impairment;
- Mental disability;
- Emotional-behavioral disability;
- Environmental or economic disadvantaged;
- Cultural factors;

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

- Limited English proficiency; or
- Lack of relevant research-based instruction in the deficit area

The review team also considered the requirements of 707 KAR 3:10 Section 2 in evaluating compliance for eligibility under the SLD category. Examples of required documentation include:

- Appropriate instruction provided in regular education settings;
- Repeated assessments of achievement at reasonable levels reflecting formal assessment of student progress during instruction;
- Relevant behavior noted during observation(s) and relationship of that behavior to the child's academic functioning (Note: 707 KAR 1:310 Section 1(i) states "behavioral observations" meaning more than one);
- Educationally relevant medical findings, if any; or
- Whether the child does not achieve commensurate with the child's age and ability

Speech and Language Impairment

Speech and Language Impairment (SLI) is defined by 707 KAR 1:280 Section 1 (60) as a communication disorder, including stuttering, impaired articulation, a language impairment, delayed acquisition of language or an absence of language that adversely effects a child's educational performance.

The DLS Monitoring Team used the guidelines included in the Kentucky Eligibility Guidelines – Revised (KEG-R) document as an outline for determining compliance with eligibility for special education services under the SLI category.

Although the KEG-R is no longer referenced in the Kentucky Administrative Regulations (KAR), the KEG provides a systematic method for ensuring that all Kentucky Administrative Regulations pertinent to eligibility have been met and that there is consistency across the state.

Whether or not the district uses the KEG-R document, the district must ensure that all eligibility requirements have been met.

Least Restrictive Environment

As outlined in 707 KAR 1:350, Section 1, the DLS Review Team verified documentation by reviewing documentation of Least Restrictive Environment (LRE) considerations by the ARC. In making the determination of the setting in which a student's IEP is to be implemented, the district must ensure:

- Special classes, separate schooling, or other removal from the regular education environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.
- A continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Summary of KDE Team's Findings and District Compliance Status

The team reviewed current conference summaries and IEPs to ensure these regulatory requirements were met. Any concerns noted in this area are specified in the student-specific feedback below.

Table 1 on the following pages displays the results from the individual *Compliance Record Review Documents* used by the KDE Review Team to determine the status of the student records reviewed. See Appendix A at the end this report for a list of the items reviewed. The Director of Special Education has received the names of each student in order to match the code used in the table with the student record.

Table 1 – *Compliance Record Review Results*

(See Following 3 Pages)

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
 Issued May 4, 2012

Entered	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Item	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8	Student 9	Student 10
Disability	AUT	OHI	SLD	OHI	SL	EBD	AUT	SL	SLD	MMD
52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
53	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes
61	NA	NA	NA	NA	NA	NA	NA	No	Yes	NA
61a	NA	NA	NA	NA	NA	NA	NA	No	Yes	NA
61a(1)								No	Yes	
61b	NA	NA	NA	NA	NA	NA	NA	No	Yes	NA
61b(1)								No	Yes	
61b(2)								No	Yes	
61b(3)								No	Yes	
61c	NA	NA	NA	NA	NA	NA	NA	No	Yes	NA
61c(1)								No	Yes	
61c(2)								No	Yes	
61c(3)								No	Yes	
62	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
62(1)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
62(2)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
62(3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
63	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
64	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
68	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
69a	Yes	Yes	NA	Yes	NA	Yes	Yes	NA	NA	Yes
69a(1)	Yes	Yes		Yes		Yes	Yes			Yes
69a(2)	Yes	Yes		Yes		Yes	Yes			Yes
69a(3)	Yes	Yes		Yes		Yes	Yes			Yes
69a(4)	Yes	Yes		Yes		Yes	Yes			Yes
69b	Yes	Yes	NA	Yes	NA	Yes	Yes	NA	NA	Yes
69b(1)	Yes	Yes		Yes		Yes	Yes			Yes
69b(2)	Yes	Yes		Yes		Yes	Yes			Yes
Eligibility	Yes	No	No	Yes	Yes	Yes	Yes	No	No	Yes
Eligibility Concerns by Item Number		OHI-4; OHI-6	SLD-3e; SLD-10a,b,c					SL-2; SL-5	SLD-3a; SLD-10a,b,c	
Items Found Non-Compliant	0	1	2	0	0	1	1	3	2	0
Items Found Compliant	12	11	8	12	10	11	11	8	9	12
Measured Items	12	12	10	12	10	12	12	11	11	12
Student Compliance Rate	100.00%	91.67%	80.00%	100.00%	100.00%	91.67%	91.67%	72.73%	81.82%	100.00%
Student Corrections Required?	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
 Issued May 4, 2012

Entered	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Item	Student 11	Student 12	Student 13	Student 14	Student 15	Student 16	Student 17	Student 18	Student 19	Student 20
Disability	SLD	FMD	MD	OHI	MMD	MMD	DD	DD	EBD	MMD
52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
53	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
61	NA	NA	NA	NA	NA	NA	NA	Yes	Yes	NA
61a	NA	NA	NA	NA	NA	NA	NA	Yes	Yes	NA
61a(1)								Yes	Yes	
61b	NA	NA	NA	NA	NA	NA	NA	Yes	Yes	NA
61b(1)								Yes	Yes	
61b(2)								Yes	Yes	
61b(3)								Yes	Yes	
61c	NA	NA	NA	NA	NA	NA	NA	Yes	Yes	NA
61c(1)								Yes	Yes	
61c(2)								Yes	Yes	
61c(3)								Yes	Yes	
62	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(1)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(2)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(3)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
63	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
64	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
68	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
69a	NA	NA	NA	NA	No	Yes	Yes	NA	NA	NA
69a(1)					Yes	Yes	Yes			
69a(2)					No	Yes	Yes			
69a(3)					Yes	Yes	Yes			
69a(4)					Yes	Yes	Yes			
69b	NA	NA	NA	NA	No	Yes	Yes	NA	NA	NA
69b(1)					No	Yes	Yes			
69b(2)					No	Yes	Yes			
Eligibility	No	Yes	No	Yes	No	Yes	Yes	Yes	No	Yes
Eligibility Concerns by Item Number	SLD-6; SLD-7a,b; SLD-8; SLD-9; SLD-10a,b,c		MD-6; MMD-6; OHI-7		MMD-1; MMD-5				EBD-7	
Items Found Non-Compliant	4	1	1	0	3	1	0	0	2	0
Items Found Compliant	6	9	9	10	9	11	12	11	9	10
Measured Items	10	10	10	10	12	12	12	11	11	10
Student Compliance Rate	60.00%	90.00%	90.00%	100.00%	75.00%	91.67%	100.00%	100.00%	81.82%	100.00%
Student Corrections Required?	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	No

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
 Issued May 4, 2012

Records:	20					Types of Records by Disability	
Item	NA	Non-Compliant	Compliant	Measured Items	Percent Compliant		
						Disability	Count
52	0	0	20	20	100.00%	AUT	2
53	0	6	14	20	70.00%	DB	0
61	16	1	3	4	75.00%	DD	2
61a	16	1	3	4	75.00%	EBD	2
61a(1)	0	1	3	4	75.00%	FMD	1
61b	16	1	3	4	75.00%	HI	0
61b(1)	0	1	3	4	75.00%	MD	1
61b(2)	0	1	3	4	75.00%	MMD	4
61b(3)	0	1	3	4	75.00%	OHI	3
61c	16	1	3	4	75.00%	OI	0
61c(1)	0	1	3	4	75.00%	SL	2
61c(2)	0	1	3	4	75.00%	SLD	3
61c(3)	0	1	3	4	75.00%	TBI	0
62	0	2	18	20	90.00%	VI	0
62(1)	0	2	18	20	90.00%	TOTAL	20
62(2)	0	1	19	20	95.00%		
62(3)	0	0	20	20	100.00%		
63	0	2	18	20	90.00%		
64	0	0	20	20	100.00%		
65	0	0	20	20	100.00%		
66	0	0	20	20	100.00%		
67	0	1	19	20	95.00%		
68	0	0	20	20	100.00%		
69a	11	1	8	9	88.89%		
69a(1)	0	0	9	9	100.00%		
69a(2)	0	1	8	9	88.89%		
69a(3)	0	0	9	9	100.00%		
69a(4)	0	0	9	9	100.00%		
69b	11	1	8	9	88.89%		
69b(1)	0	1	8	9	88.89%		
69b(2)	0	1	8	9	88.89%		
Eligibility	0	8	12	20	60.00%		
		Districtwide All Items Measured All Records					
		Compliant Records	Items Measured	Percent of Items Compliant			
		200	222	90.09%			
		Student Records 100% Compliant					
		Compliant Student Folders	Folders Reviewed	Percent of Records Compliant			
		8	20	40.00%			

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
 Issued May 4, 2012

Table 2 – Student Specific Feedback

Student Specific Feedback	
Student 1	<p>Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.</p> <p>Please note that student is due for a three-year reevaluation by October 2012.</p>
Student 2	<p>Student file is in compliance with regard to LRE requirements.</p> <p>The ARC used student's psychological evaluation report (dated February 20, 2008) as part of a record review in determining need for collecting additional data for a three-year re-evaluation. The psychological report states student "reported (to examiner) attending twenty five schools in my life." The ARC did not discuss this information on the record review form or the conference summary notes in connection with how lack of instruction in reading or math may (or may not) be a determinant factor in the student's continued eligibility under OHI. Inconsistency in instruction or curricula from many school changes could potentially indicate gaps that might reflect lack of instruction in reading and/or math.</p>
Student 3	<p>Student file is in compliance with regard to LRE requirements.</p> <p>ARC did not conduct a full and individual evaluation related to all areas of the suspected disability. Consent to reevaluate the student dated October 27, 2011 indicated that the ARC agreed that a vocational interest inventory was to be conducted as part of the reevaluation process. There is no documentation in student file to reflect that this was done.</p> <p>ARC failed to demonstrate that the student's deficits were not primarily the result of an emotional behavioral disability (an exclusionary factor) in determining student's eligibility under SLD. The student's psychological report dated November 16, 2011 showed student was in the at-risk range for hyperactivity and conduct problems as well as in the clinically significant range for aggression. ARC conference summary notes report noncompliance to be an issue with the student. Student's IEP dated November 28, 2011 stated that "student's behavior impedes his/her learning or that of others". However, there is no documentation in student file by ARC concerning student's potential eligibility under EBD.</p>
Student 4	<p>Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.</p>
Student 5	<p>Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.</p>
Student 6	<p>LRE statement provided by the ARC lacks specificity to explain why the student cannot be served in the general education environment when provided with supplementary aids, services, and supports.</p> <p>Student file is in compliance with regard to evaluation and eligibility requirements.</p>

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Student Specific Feedback	
Student 7	LRE statement provided by the ARC lacks specificity to explain why the student cannot be served in the general education environment when provided with supplementary aids, services, and supports.
Student 8	<p>Student file is in compliance with regard to LRE requirements.</p> <p>There is lack of documentation in student's file to show that the ARC reviewed the student's referral for a multi-disciplinary evaluation, including documentation of interventions, prior to conducting a full and individual evaluation. The referral form was not fully completed. Only the first page was filled out and the last page "checked" that the referral was accepted by the ARC.</p> <p>There is lack of documentation in student's file describing previous interventions and instruction that had been provided and implemented with the student prior to initiating referral.</p> <p>There is lack of documentation in student's file to show that ARC discussed how student's language deficits affect her educational performance.</p>
Student 9	<p>LRE statement provided by the ARC lacks specificity to explain why the student cannot be served in the general education environment when provided with supplementary aids, services, and supports.</p> <p>There is lack of documentation in student file to show that the student's deficits in achievement are not primarily the result of vision problems (exclusionary factor) when determining student's eligibility under SLD. Student's vision screening dated October 1, 2010 indicates that she failed. No documentation in student file that supports she passed a later one. There is no discussion by ARC in conference summary notes that shows student's vision issues were considered in connection with student's deficits in achievement when determining student's eligibility under SLD. ARC conference summary notes only state that student "was referred for glasses and wears them some of the time."</p>
Student 10	Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Student Specific Feedback	
Student 11	<p>Student is currently on home instruction/homebound.</p> <p>LRE statement provided by the ARC lacks specificity to explain why the student cannot be served in the general education environment when provided with supplementary aids, services, and supports.</p> <p>Student is a transfer student from Ohio. No documentation present in student's file that show ARC discussed/reviewed student's IEP progress monitoring data when planning student's reevaluation upon entering District.</p> <p>While an Ohio observation states that "student shows very low competencies in all areas; student struggles in all areas", there is no documentation present in student's file to show that any current/recent classroom behavior observations were conducted as part of student's reevaluation.</p> <p>No documentation present in student's file to show that ARC discussed how student's deficits have an adverse effect on the student's educational performance. No current/recent classroom behavior observations present in student's file that connect student's deficits in reading to academic functioning.</p> <p>Lack of evidence present in student's file that presents any presents whether any relevant medical findings exist.</p> <p>No documentation in student's file that presents any discussion of instructional strategies used with the child and student-centered data collected in response to scientific research-based intervention prior to determining the student's eligibility under SLD.</p>
Student 12	<p>LRE statement provided by the ARC lacks specificity to explain why the student cannot be served in the general education environment when provided with supplementary aids, services, and supports.</p> <p>Student file was in compliance with regard to evaluation and eligibility requirements. Please note, however, that the student's file was missing the evaluation planning form.</p>
Student 13	<p>Student file is in compliance with regard to LRE requirements.</p> <p>There is no documentation present in student's file to show that District provided a copy of student's evaluation report and documentation of eligibility paperwork to parent from ARC held on April 12, 2010 to parent.</p>
Student 14	<p>Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.</p>

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
 Issued May 4, 2012

Student Specific Feedback	
Student 15	<p>Student file is in compliance with regard to LRE requirements.</p> <p>Student's adaptive behavior scores (Vineland) from 2008 were provided as part of student's review of record in determining need for collecting additional data for reevaluation at the student's February 17, 2011 ARC. The composite score was 75. Adaptive behavior data provided from 2002 had a composite score of 64 and data provided from 2005 had a composite score of 69. A score of 75 is not two (2) standard deviations below the mean as required for eligibility under MMD. There was documentation in student's file that reflects discussion by the ARC as to why the earlier scores were more appropriate when determining student's continued eligibility under MMD.</p> <p>The student's "Review of Record" form dated February 17, 2011 (for ARC to discuss whether additional evaluation data was needed) does discuss general impressions of student's educational performance from "informal" classroom behavior observation(s) but does not indicate how many observation(s) were done, the setting of the observation(s) or by whom they were conducted.</p> <p>The student's "Review of Record" form dated February 17, 2011 was not signed by parent and or any other ARC members. (Parent did attend this meeting as noted in ARC conference summary.)</p>
Student 16	<p>LRE statement provided by the ARC lacks specificity to explain why the student cannot be served in the general education environment when provided with supplementary aids, services, and supports.</p> <p>Student file is in compliance with regard to evaluation and eligibility requirements.</p>
Student 17	Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.
Student 18	Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.
Student 19	<p>Student file is in compliance with regard to LRE requirements.</p> <p>Testing done for student's multidisciplinary evaluation (report dated February 21, 2011) does not match need for testing specified in the parental consent for evaluation form and evaluation planning form dated January 27, 2011. Neither the parental consent form nor the evaluation planning form indicate/check that there was an intention to evaluate the student in the area of academic achievement. However, the Woodcock-Johnson Test of Achievement-III was administered to the student as reported in February 21, 2011 multi-disciplinary evaluation report.</p> <p>There is no documentation present in student's file to show that District provided a copy of student's evaluation report dated February 21, 2011 and documentation of eligibility paperwork to parent from ARC held on March 02, 2011 to parent.</p>

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Student Specific Feedback	
Student 20	Student file is in compliance with regard to LRE, evaluation, and eligibility requirements.

The district is cited relative to student-specific violations related to placement decisions/LRE (707 KAR 1:350)

The district is cited relative to student-specific violations related to evaluation/reevaluation (707 KAR 1:300).

The district is cited relative to student-specific violations related to determination of eligibility (707 KAR 1:310).

Corrective Action Plan Requirements

707 KAR 1:380 specifies that, after an off-site or on-site review, KDE must issue a written report. Deficiencies (instances of noncompliance) specified in the report shall be the basis for the district to develop a Corrective Action Plan (CAP) for review and approval by KDE. The district has the opportunity to submit additional information or to verify or clarify issues related to the report (prior to the development of the CAP).

Each CAP must be monitored and enforced by KDE.

The district must submit its CAP to KDE no later than 30 business days after the district receives the report. Business day means Monday through Friday except for federal and state holidays as defined by 707 KAR 1:002 (6).

The CAP must include:

- A statement of the matter to be corrected
- The steps the LEA shall take to correct the problem and document compliance

DLS will send a CAP template to the Director of Special Education for development of the district's CAP.

Within 30 business days of receiving the CAP, KDE must notify the district of the status of the CAP. If KDE rejects the CAP, the district has up to 15 business days to submit a new CAP. A CAP, once approved by KDE must be monitored and is an official document requiring the district to meet the specified activities.

KDE will not initiate further sanctions during the time period specified in the CAP unless requested by the district. Any noncompliance found during monitoring must be corrected within one year. The U.S. Department of Education's Office of Special Education Programs (OSEP) specifies the one-year timeline runs from the date KDE notifies the district in writing of the noncompliance until KDE notifies the district in writing that the noncompliance has been corrected.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
Issued May 4, 2012

Student Level and Systemic Noncompliance

KDE tracks findings of noncompliance and requires correction at the individual student level as required by OSEP. KDE also looks for compliance at a systemic level. For the purposes of KDE monitoring, *systemic* means findings of noncompliance where related issue(s) are occurring more than once. Examples might include:

- Noncompliance across disability categories where documentation of interventions and appropriate research-based instruction did not occur prior to referral.
- The use of only one classroom behavior observation (subsequent to September 7, 2010).

In cases where systemic noncompliance is noted, the district must not only correct the individual student files as necessary, but must also determine the cause(es) for the noncompliance and take steps in the CAP to correct these issues.

Table 3 below includes any student-specific issues that must be addressed through the CAP process. Table 4 includes any systemic issues that must also be addressed.

The district shall be required to submit corrective action plan status reports using the space provided in the electronic CAP template on a quarterly basis to the DLS Team Leader. It is strongly recommended that the district submit copies of student-specific corrections as they occur in order for the team leader to review and provide timely feedback to the district.

Table 3

Required Student-Specific Corrective Action, if Applicable	
Student 1	No corrective action required.
Student 2	An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible, to develop and appropriate IEP and placement in accordance with LRE compliance.
Student 3	An ARC must be convened in order to review existing evaluation data (including history of school attendance), determine if more data is needed, determine eligibility, and if found eligible, to develop and appropriate IEP and placement in accordance with LRE compliance.
Student 4	No corrective action required.
Student 5	No corrective action required.
Student 6	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 7	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 8	An ARC must be convened in order to review referral information and evaluation data, determine if more data is needed, determine eligibility, and if found eligible, to develop and appropriate IEP and placement in accordance with LRE compliance.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
 Issued May 4, 2012

Required Student-Specific Corrective Action, if Applicable	
Student 9	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed (including any need for current vision, hearing or health screenings or assessments), determine eligibility, and if found eligible, to develop and appropriate IEP and placement in accordance with LRE compliance.</p>
Student 10	No corrective action required.
Student 11	<p>An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.</p> <p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible, to develop and appropriate IEP and placement in accordance with LRE compliance.</p>
Student 12	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 13	District will provide a copy of student's evaluation report and documentation of eligibility paperwork from ARC held on April 12, 2010 to parent. District will supply to KDE written confirmation that this paperwork was provided to parent by <u>Friday, May 25, 2012.</u>
Student 14	No corrective action required.
Student 15	<p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible, to develop and appropriate IEP and placement in accordance with LRE compliance.</p> <p>District will provide parent with a copy of the February 17, 2011 "Record Review Form" for their signature. A signed copy will be dated with the current date and placed in student file, and a copy will be provided to the parent. District will supply to KDE written confirmation that this paperwork was completed <u>by Friday, May 25, 2012.</u></p>
Student 16	An ARC must be convened in order to appropriately document LRE considerations in determining the student's educational environment.
Student 17	No corrective action required.
Student 18	No corrective action required.

Data Verification Report
COVINGTON INDEPENDENT SCHOOLS
 Issued May 4, 2012

Required Student-Specific Corrective Action, if Applicable	
Student 19	<p>An ARC must be convened in order to review existing evaluation data, determine if more data is needed, determine eligibility, and if found eligible, to develop and appropriate IEP and placement in accordance with LRE compliance.</p> <p>District will provide a copy of student's evaluation report dated February 21, 2011 and documentation of eligibility paperwork from ARC held on March 02, 2011 to parent. District will supply to KDE written confirmation that this paperwork was provided to parent by <u>Friday, May 25, 2012.</u></p>
Student 20	No corrective action required.

Table 4

Required Corrective Action Steps to Address Systemic Noncompliance, if Applicable
<p>The District will provide training for special education administration and all ARC chairpersons in how the ARC is to document the special education forms and paperwork when considering the continuum of alternative placements as well as harmful effects in determining a student's LRE by <u>October 26, 2012.</u> The training will be conducted by a KDE-approved trainer and documentation of the training will be provided to KDE by <u>November 2, 2012.</u></p>
<p>Prior to the correction of student specific noncompliance found in the table above, the District must provide copies of the September 7, 2010 KDE eligibility policy letter to all certified staff in the district no later than <u>August 31, 2012.</u> This may be distributed via email.</p> <p>The district must provide a facilitated viewing of the KDE eligibility policy webinar for all building level administrators, evaluators, ARC chairpersons and special education providers. This must be completed no later than <u>September 28, 2012.</u></p>
<p>The Director of Special Education will provide one-on-one consultation with special education providers to assist in the correction of identified areas of noncompliance.</p>
<p>The District must implement a system of random record reviews of no less than 10 (ten) special education files from each school to be conducted within the timeframe of the CAP. The selection of files should reflect a random sampling of students from the various disability categories under IDEA.</p> <p>A <u>summary</u> of record reviews and corrections of noncompliance must be provided to KDE quarterly until the CAP has been deemed by KDE to be completed.</p>
<p>On a quarterly basis, the District shall provide written documentation to KDE showing the progress being made by the district in correcting the student-specific evaluation, eligibility and LRE issues that are identified in this report. This documentation shall include, but is not limited to, copies of ARC evaluation planning meeting summaries, evaluation reports, eligibility determination documents and revised IEPs.</p>